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8 BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. OT2006-363

12 JONATHAN VALENZUELA BELASCO
13 399 Oceanic Way
Sacramento, CA 95831

ACCUSATION

14 Occupational Therapy Assistant Certificate
15 No. OTA 1063

16 Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Heather Martin (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the California Board of Occupational Therapy, Department of Consumer
21 Affairs.

22 2. On or about January 24, 2003, the California Board of Occupational Therapy issued
23 Occupational Therapy Assistant Certificate Number OTA 1063 to Jonathan Valenzuela Belasco.
24 (Respondent). The Occupational Therapy Assistant Certificate was in full force and effect at all
25 times relevant to the charges brought herein and will expire on March 31, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the California Board of Occupational Therapy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2570.26 states:

"(a) The board may, after a hearing, deny, suspend, revoke, or place on probation a license, certificate, inactive license, inactive certificate, or limited permit.

"(b) As used in this chapter, "license" includes a license, certificate, limited permit, or any other authorization to engage in practice regulated by this chapter.

"(c) The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein."

5. Section 2570.27. states:

"(a) The board may discipline a licensee by any or a combination of the following methods:

"(1) Placing the license on probation with terms and conditions.

"(2) Suspending the license and the right to practice occupational therapy for a period not to exceed one year.

"(3) Revoking the license.

"(4) Suspending or staying the disciplinary order, or portions of it, with or without conditions.

"(5) Taking other action as the board, in its discretion, deems proper.

"(b) The board may issue an initial license on probation, with specific terms and conditions, to any applicant who has violated any provision of this chapter or the regulations adopted pursuant to it, but who has met all other requirements for licensure."

6. Section 2570.30 states:

"The board shall retain jurisdiction to proceed with any investigation, action or disciplinary proceeding against a license, or to render a decision suspending or revoking a license, regardless

1 of the expiration, lapse, or suspension of the license by operation of law, by order or decision of
2 the board or a court of law, or by the voluntary surrender of a license by the licensee."

3 7. Section 2570.28 states:

4 "The board may deny or discipline a licensee for any of the following:

5 ...
6 "(e) Conviction of a crime or of any offense substantially related to the qualifications,
7 functions, or duties of a licensee, in which event the record of the conviction shall be conclusive
8 evidence thereof.

9 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licensee found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 CAUSE FOR DISCIPLINE

14 (Substantially Related Criminal Conviction)

15 9. Respondent is subject to disciplinary action under section 2570.28(e) in that on June
16 21, 2007, in the case entitled *People vs. Jonathan Valenzuela Belasco*, Sacramento County
17 Superior Court Case No. 07F04556, Respondent was convicted, following his plea of nolo
18 contendere, of violating Penal Code section 273a, subdivision (a) (willful harm or injury to child;
19 endangering person or health), a misdemeanor, and section 417, subdivision (a)(1) (drawing,
20 exhibiting, or using firearm in rude, angry, or threatening manner), a misdemeanor.. The
21 circumstances are as follows:

22 10. On or about May 2, 2007, Respondent did willfully and unlawfully, under
23 circumstances likely to produce great bodily harm and death, injure, cause, and permit a child to
24 suffer and to be inflicted with unjustifiable physical pain and mental suffering, and, having the
25 care and custody of said child, injure, cause, and permit the person and health of said child to be
26 injured and did willfully cause and permit said child to be placed in such situation that the child's
27 person and health was endangered. Further, Respondent, not in self defense, in the presence of
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1 another person, did unlawfully draw and exhibit a deadly weapon, to wit, a .25 caliber gun, in a
2 rude, angry, and threatening manner.

3 PRAYER

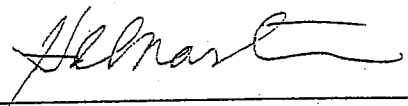
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the California Board of Occupational Therapy issue a decision:

6 1. Revoking or suspending Occupational Therapy Assistant Certificate Number OTA
7 1063, issued to Jonathan Valenzuela Belasco.

8 2. Ordering Jonathan Valenzuela Belasco to pay the California Board of Occupational
9 Therapy the reasonable costs of the investigation and enforcement of this case, pursuant to
10 Business and Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.

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14 DATED: July 29, 2009


HEATHER MARTIN
Executive Officer
California Board of Occupational Therapy
Department of Consumer Affairs
State of California
Complainant

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